

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0170

Z.A.P. DATE: October 16, 2007

ADDRESS: 13686 North U. S. Highway 183

OWNER/APPLICANT: Azim K. Salehi

ZONING FROM: I-SF-2

TO: GR

AREA: 0.427 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-CO, Community Commercial-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day and prohibit the following uses on the property:

- Automotive Repair Services
- Automotive Rental
- Automotive Sales
- Automotive Washing (of any type)
- Exterminating Services

ZONING & PLATTING COMMISSION RECOMMENDATION:

10/16/07: Approved staff's recommendation for GR-CO zoning, with added condition to prohibit Pawn Shop Services, by consent (6-0, C. Hammond, J. Gohil-absent); J. Martinez-1st, S. Hale-2nd

DEPARTMENT COMMENTS:

The property in question is developed with a spa/retail sales use, a vacant structure, and a tattoo parlor/personal services use. The applicant is requesting zoning for this property to bring the existing businesses on the site into compliance with land use regulations in the City of Austin Land Development Code. The spa sales and tattoo parlor are considered grandfathered uses because they were in existence on this tract of land prior to the annexation of the property by the City of Austin in 1998 (Annexation case – C7-98-0005).

The staff recommends GR-CO zoning for this property because it meets the intent of the GR district designation as this site is accessible from major traffic ways and will provide services to meet neighborhood and community needs. This tract of land is located adjacent to GR-CO zoning to the north, GR zoning to the east (across U. S. 183) and LR zoning to the south and west. The property has frontage onto and takes access from a major arterial roadway, North U.S. Highway 183. The proposed zoning will allow for the applicant to bring the existing uses on the site into conformance with the land use regulations of the City of Austin.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Retail Sales (Spa Sales), Vacant Convenience Store, Personal Services (Tattoo Parlor)
<i>North</i>	GR-CO	Office
<i>South</i>	LR, LO	Day Care Facility, Office
<i>East</i>	Highway, GR	Restaurant (Hooters)
<i>West</i>	County	Day Care Facility (Stepping Stone)

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:****CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

2 – Acres West Homeowners Association
 157 – Courtyard Homeowners Association
 269 – Long Canyon Homeowners Association
 281 – Anderson Mill Neighborhood Association
 416 – Long Canyon Phase II Homeowners Association Inc.
 426 – River Place Residential Community Association, Inc.
 454 – Neighborhood Association of SW Williamson County
 786 – Home Builders Association of Greater Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0043	SF-2 to GR	6/07/05: To approve GR-CO zoning; prohibiting all the uses offered by the applicant as follows: Bail Bond Services; Business or Trade School; Commercial Off-Street Parking; Communications Services; Financial Services; Food Sales; Funeral Services; Hotel – Motel; Indoor entertainment; Indoor Sports & Recreation; Outdoor Sports & Recreation; Pawn Shop Services; Restaurant (General); Service Station; Theater; College & University Facilities; Counseling Services; Guidance Services; Hospital Services Limited; Public & Private, Primary & Secondary Education Services; Residential Treatment;	7/28/05: Approved GR-CO on all three readings (7-0)

		Urban Farm. In addition, prohibit the following additional uses: Drop-Off Recycling Collection Facility; Exterminating Services; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Daycare Services (Commercial); Daycare Services (General); Daycare Services (Limited); Drive-through Services; And include the conditions set out by staff relative to a 2,000 vehicle trip limit and no curb cuts onto Caldwell until the pavement is improved (9-0); K. Jackson-1 st , J. Martinez-2 nd .	
C14-04-0086	LO to GR	<p>7/20/04: Postponed to 9/7/04 by Applicant and Staff (8-0, J. Pinnelli-absent).</p> <p>9/7/04: Continued to 9/21/04 ZAP meeting. Public Hearing remained open (8-0, J. Martinez-absent).</p> <p>9/21/04: Postponed to 11/16/04 by the Applicant and Neighborhood (8-0, J. Gohil-absent).</p> <p>11/16/04: Case withdrawn by applicant.</p>	
C14-03-0180	I-SF-2 to GR-CO (TR1), CS-1-CO (TR2)	1/20/04: Approved staff's recommendation of GR-CO (Tract 1), CS-1-CO (Tract 2) zoning by consent (6-0, J. Cortez, J. Donisi, K. Jackson-absent)	2/26/04: Approved GR-CO for Tract 1, CS-1-CO for Tract 2 by consent (7-0, Thomas-off dias); all 3 readings
C14-02-0059	SF-3 to CS	5/6/03: Approved staff's alternate rec. of CS-CO w/conditions (8-0)	7/17/03: Approved CS-CO (7-0); all 3 readings
C14-02-0020	I-RR to LR	4/9/02: Approved staff's alternate rec. of LR-CO w/conditions (9-0)	<p>8/29/02: Approved LR-CO (7-0); 1st reading</p> <p>9/26/02: Approved LR-CO (7-0); 2nd/3rd readings</p>

C14-02-0002	I-RR to GR	2/12/02: Approved staff's rec. of GR-CO zoning (6-0, N. Spelman, V. Aldridge, J. Martinez –absent), with CO to allow only LR uses and prohibit the following other uses: Restaurants (Drive-In, Fast Food); Service Station; Congregate Living; Family Home; Group Home, Class I (General); Group Home, Class I (Limited); Group Home, Class II; Guidance Services; Residential Treatment	8/8/02: Approved GR-CO w/ conditions on 1st reading (6-0, Wynn-out of room) 8/29/02: Approved (7-0); 2 nd /3 rd readings
C14-01-0165	CS-CO to CS-CO	12/11/01: Approved staff rec. of CS-CO (7-0)	1/17/02: Approved CS-CO (6-0); all 3 readings
C14-01-0155	I-RR to GR	11/21/01: Approved staff rec. of GR-CO by consent (8-0)	1/10/02: Approved GR-CO (6-0, Goodman out of room); all 3 readings
C14-00-2105	I-RR to GR	7/25/00: Approved staff rec. of GR-CO w/height limit of 35 ft. (7-1, BB-Nay)	8/24/00: Approved GR-CO (7-0), all 3 readings
C14-00-2244	I-RR to LR	2/6/01: Approved GR-CO for personal improvement use only & all LR uses w/ conditions (9-0)	7/19/01: Withdrawn by applicant.
C14-00-2200	GR-CO to CS-1	11/14/00: Approved staff rec. of CS-1 by consent (8-0)	12/14/00: Approved CS-1-CO
C14-00-2054	I-RR to LI-CO	11/14/00: Postponed indefinitely by applicant (re-notification required)	5/14/01: Administrative- Expired
C14-99-2139	I-RR to CS	3/7/00: Approved W/LO-CO (5-0-1, RC-abstain); CO would limit site to convenience storage as only W/LO use, limit site to 2,000 vehicle trips per day	4/6/00: Approved W/LO-CO (6-0)
C14-99-0137	I-RR to LI	8/24/99: Approved LI-CO; agree to rollback zoning to GR if use ceases, limited to 2,000 vehicle trips per day, dedicate ROW at time of subdivision process (5-1, RC-Nay)	12/2/99: Approved LI-CO (7-0)
C14-99-0036	GR-CO, I-RR to MF-2, GR-MU	6/22/99: Approved staff alternate rec. of MF-2 (TR1) and GR-MU (TR 2&3) (5-0)	7/22/99: Approved PC rec. of MF-2 (TR1) and GR-MU (TR 2&3) w/ conditions (7-0); 1 st reading 10/28/99: Approved (5-0)
C14-98-0272	I-RR to LR	2/2/99: Approved staff recommendation of LR by consent (8-0)	3/4/99: Approved LR (7-0); 1 st reading 3/25/99: Approved LR (6-0); 2 nd /3 rd readings

C14-98-0086	SF-2 to GR	8/18/98: Approved GR-CO with conditions by consent (7-0)	10/8/98: Approved PC rec. of GR-CO w/ conditions (6-0); all 3 readings
C14-96-0022	LO-CO & GR-CO to GR	<p>3/26/96: Approved GR-CO for Tract 1 and LO-CO for Tract 2 (9-0); subject to the following conditions: Height limit of 35 feet, no access from Tract 1 to North U.S. Highway 183, 2,000 vehicle per day trip limit, prohibit the following uses on Tract 1 - Automotive Repair Services, Automotive Rental, Automotive Sales, Automotive Washing (of any type), Business or Trade Schools, Exterminating Services, Food Sales, Funeral Services, Hotel-Motel, Indoor Sports and Recreation, Outdoor Sports and Recreation, Indoor Entertainment, Pawn Shop Services, Restaurant (Limited), Restaurant (General), Service Stations, General Retail Sales (Convenience), General Retail Sales (General), Communication Service Facilities, Day Care Services (General), Day Care Services (Limited), Day Care Services (Commercial), Hospital Services, Local Utility Services, Private Primary Education Facilities, Private Secondary Education Facilities, Public Primary Education Facilities, Public Secondary Education Facilities and prohibit the following uses on Tract 2 – Communication Services, Communication Service Facilities, Medical Offices, Professional Offices, Software Development, Convalescent Services, Counseling Services, Day Care Services (General), Day Care Services (Limited); Day Care Services (Commercial); Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary</p>	<p>4/25/96: Approved PC rec. of GR-CO (TR1), LO-CO (TR2); subject to conditions (5-0); 1st reading</p> <p>5/23/96: Approved GR-CO (TR1), GO-CO (TR2); subject to conditions (7-0); 2nd/3rd readings</p>

		Educational Facilities, Public Secondary Educational Facilities.	
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RELATED CASES: There are no related zoning cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
US HWY 183	400'	Varies	Arterial	No	No	No
Woodland Village Dr	65'	42'	Local	No	No	No

CITY COUNCIL DATE: November 29, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



1" = 400'



Subject Tract



Zoning Boundary



Pending Cases

ZONING

CASE#: C14-2007-0170
 ADDRESS: 13686 N US 183 HWY
 SUBJECT AREA: 0.427 ACRES
 GRID: F38
 OPERATOR: S. SIRWAITIS

OPERATOR: S. MEEKS



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

STAFF RECOMMENDATION

The staff recommendation is to grant GR-CO, Community Commercial-Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day and prohibit the following uses on the property:

- Automotive Repair Services
- Automotive Rental
- Automotive Sales
- Automotive Washing (of any type)
- Exterminating Services

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The GR zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property in question fronts onto and will take access from a major arterial roadway, U.S. Highway 183 North.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will promote consistency and orderly planning because there is GR and GR-CO zoning to the north and LR and LO zoning to the south and west.

3. *Zoning should allow for reasonable use of the property.*

The GR-CO zoning district would allow for a fair and reasonable use of the site because the property in question meets the minimum lot requirements for the proposed zoning designation.

The GR-CO zoning is appropriate for this location because of the frontage of this property on an arterial roadway. The proposed zoning will allow for the applicant to bring the existing uses on the site into conformance with the land use regulations of the City of Austin.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a spa/retail sales use, a vacant structure, and a tattoo parlor/personal services use. The properties to the north and south are developed with office uses. To the east (across U.S. Highway 183) there are restaurant (Hooters) and retail uses. To the west there is a day care facility (Stepping Stone).

Impervious Cover

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by

Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

No additional right-of-way is needed at this time.

If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
US HWY 183	400'	Varies	Arterial	No	No	No
Woodland Village Dr	65'	42'	Local	No	No	No

Water and Wastewater

The landowner intend s o serve the site with a connection to the Anderson Mill Municipal Utility District water and wastewater utility system. The landowner should provide written evidence that the Anderson Mill MUD will provide water and wastewater utility service.

The water and wastewater utility system serving the site must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

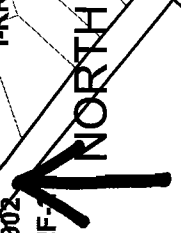
Compatibility Standards

This site will be subject to commercial design standards. The principle street will be US 183 North and is classified as highway.

This tract is already developed and the proposed zoning change is a footprint within the existing development.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.





Anderson Mill Neighborhood Association
PMB 148
13729 N. Highway 183, Suite 610
Austin, TX 78750-1836

Monday, October 15, 2007

City of Austin
Zoning and Platting Commission
Austin, TX

Dear Commissioners,

The Anderson Mill Neighborhood Association (AMNA) appreciates the opportunity to provide input on case C14-2007-0170. This property is part of our neighborhood and has been in poor condition for some time. Our goal is to not let it get worse.

We agree with staff that commercial development on this property provides a transition zone between U.S. 183 and our neighborhood, but do not agree that all commercial uses allowed in GR-CO are appropriate. Some of the allowed uses may actually harm residents that live near by.

With a daycare next to this property it is appropriate to prohibit the following uses; dry cleaning (because of fumes), Pawn Shop Services, Service Stations, General Retail Sales (Convenience), Communication Service Facilities, Local Utility Services, Bail Bond Services, Commercial Off-Street Parking, Counseling Services, and Guidance Services. If these are not already prohibited please consider prohibiting them

The property has a parking capacity of 20 or less. The 2,000 cars a day limit would allow many times what the property can handle. A vehicle trip limit of 500 vehicles per day seems more reasonable. Please also prohibit curb cuts onto Woodland Village Dr. It is understood that if the applicant decides to redevelop the site he will have to comply with the 2,000 vehicle trip limit and current parking requirements of the City of Austin Land Development Code, but I am worried about new uses within the existing buildings.

Thank you for considering our suggestions. You may contact me if you have any questions at 512-695-0429 or by email at chaney_tx@yahoo.com.

Best Wishes,

Michael Chaney
Vice President